

LATHAM & WATKINS LLP
 Elizabeth L. Deeley (CA Bar No. 230798)
elizabeth.deeley@lw.com
 Melanie M. Blunschi (CA Bar No. 234264)
melanie.blunschi@lw.com
 505 Montgomery Street, Suite 2000
 San Francisco, California 94111-6538
 Telephone: +1.415.391.0600
 Facsimile: +1.415.395.8095

Roman Martinez (*pro hac vice*)
roman.martinez@lw.com
 555 Eleventh Street, NW, Suite 1000
 Washington, D.C. 20004-1304
 Telephone: +1.202.637.2200
 Facsimile: +1.202.637.2201

Attorneys for Defendant 2U, Inc.

[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION**

IOLA FAVELL, SUE ZARNOWSKI,
 MARIAH CUMMINGS, and
 AHMAD MURTADA, on behalf of
 themselves and all others similarly
 situated,

Plaintiffs,

v.

UNIVERSITY OF SOUTHERN
 CALIFORNIA and 2U, INC.,

Defendants

Case No. 2:23-cv-00846-GW (MARx)
 Case No. 2:23-cv-03389-GW (MARx)

**STIPULATION REGARDING
 FILING CONSOLIDATED
 MOTION TO DISMISS AND
 ADDITIONAL WORDS**

Hon. George H. Wu

1 Defendants 2U, Inc. (“2U”) and University of Southern California (“USC”)
 2 (collectively “Defendants”) and Plaintiffs Iola Favell, Sue Zarnowski, Mariah
 3 Cummings, and Ahmad Murtada (collectively “Plaintiffs”) by and through their
 4 undersigned counsel, hereby stipulate and agree as follows, and jointly request that
 5 the Court enter an Order approving this Stipulation:

6 **WHEREAS**, on July 27, 2023, Plaintiffs filed their Second Amended
 7 Complaint in *Favell v. USC, et al.* Case No. 2:23-cv-000846 (“*Favell I*”) (“SAC”)
 8 (Dkt. 67), and their First Amended Complaint in *Favell v. USC, et al.* Case No. 2:23-
 9 cv-003389 (“*Favell II*”) (“FAC”) (Dkt. 58);

10 **WHEREAS**, Defendant 2U’s responses to the *Favell I* SAC and *Favell II*
 11 FAC are due on August 31, 2023 (Dkt. 57);

12 **WHEREAS**, there is significant overlap between the *Favell I* SAC and *Favell*
 13 *II* FAC, as the factual allegations are identical and the sole claim in the *Favell II*
 14 SAC—that Defendants violated the Consumers Legal Remedies Act, Cal. Civ. Code
 15 § 1770—is also included in the *Favell I* FAC, although the type of relief requested
 16 differs;

17 **WHEREAS**, Defendant 2U intends to move to dismiss the *Favell I* SAC and
 18 *Favell II* FAC;

19 **WHEREAS**, pursuant to Civil L.R. 11-6.1, Defendant 2U is entitled to one
 20 Motion to Dismiss the SAC not to exceed 7,000 words, and one Motion to Dismiss
 21 the FAC not to exceed 7,000 words;

22 **WHEREAS**, in the interest of efficiency, the parties have met and conferred
 23 and have agreed that Defendant 2U shall file one consolidated Motion to Dismiss
 24 the claims in the SAC and the FAC not to exceed 10,000 words;

25 **WHEREAS**, the parties also agree that Plaintiffs shall file one consolidated
 26 opposition to 2U’s consolidated Motion to Dismiss not to exceed 10,000 words;

27 **WHEREAS**, the parties further agree that Defendant 2U would then be
 28 entitled to file one consolidated reply not to exceed 7,500 words;

WHEREAS, the parties have not previously stipulated to any requests to file a consolidated dispositive Motion;

IT IS HEREBY STIPULATED AND AGREED THAT:

1. Defendant 2U shall file one consolidated Motion to Dismiss the claims in the SAC and the FAC not to exceed 10,000 words.
2. Plaintiffs shall file one consolidated opposition to 2U's consolidated Motion to Dismiss not to exceed 10,000 words.
3. Defendant 2U shall file one consolidated reply not to exceed 7,500 words.

Respectfully Submitted,

LATHAM & WATKINS LLP

By /s/ Melanie M. Blunschi

Elizabeth L. Deeley (Bar No. 230798)
 elizabeth.deeley@lw.com
 Melanie M. Blunschi (Bar No. 234264)
 melanie.blunschi@lw.com
 505 Montgomery Street, Suite 2000
 San Francisco, California 94111
 Telephone: +1.415.391.0600
 Facsimile: +1.415.395.8095

Roman Martinez (*pro hac vice*)
 roman.martinez@lw.com
 555 Eleventh Street, NW, Suite 1000
 Washington, D.C. 20004-1304
 Telephone: +1.202.637.2200
 Facsimile: +1.202.637.2201

Attorneys for Defendant 2U, Inc.

Dated: August 23, 2023

SHOOK HARDING & BACON LLP

By /s/ Mark D. Campbell

Michael L. Mallow (Bar No. 188745)
 mmallow@shb.com
 Mark D. Campbell (Bar No. 180528)
 mdcampbell@shb.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2049 Century Park East, Suite 3000
Los Angeles, CA 90067
Telephone: +1.424.285.8330
Facsimile: +1.424.204.9093

*Attorneys for Defendant University of
Southern California.*

Dated: August 23, 2023

TYCKO & ZAVAREEI LLP

By /s/Kristen G. Simplicio

Kristen G. Simplicio (Bar No. 263291)
Anna Haac (*pro hac vice*)
2000 Pennsylvania Ave., N.W, Suite 1010
Washington, District of Columbia 20006
Telephone: (202) 919-5852
Facsimile: (202) 973-0950
ksimplicio@tzlegal.com
ahaac@tzlegal.com

Sabita J. Soneji (Bar No. 224262)
1970 Broadway, Suite 1070
Oakland, California 94612
Telephone: (510) 254-6808
Facsimile: (202) 973-0950
ssoneji@tzlegal.com

Eric Rothschild (*pro hac vice*)
NATIONAL STUDENT LEGAL
DEFENSE NETWORK
1701 Rhode Island Avenue Northwest
Washington, District of Columbia 20036
Telephone: (202) 734-7495
eric@defendstudents.org

*Attorneys for Plaintiffs Iola Favell, Sue
Zarnowski, Mariah Cummings and Ahmad
Murtada*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

I hereby attest pursuant to L.R. 5-4.3.4(a)(2)(i) that all other signatories listed above, and on whose behalf the filing is submitted, concur in the content of this filing and have authorized this filing.

Dated: August 23, 2023

/s/Melanie M. Blunschi
Melanie M. Blunschi